101ST CONGRESS
1st Session

SENATE

REPORT
101-18

REPORT TO THE SENATE ON THE ACTIVITIES

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR THE ONE HUNDREDTH CONGRESS

APRIL 13 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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For the 100th Congress

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Mr. BURDICK, from the Committee on Environment and Public Works, and in accordance with section 8(b) of rule XXVI of the Standing Rules of the Senate, submits the following report of committee activities for the 100th Congress

GENERAL STATEMENT

Under the leadership of Chairman Quentin N. Burdick and ranking minority member Robert T. Stafford, the 100th Congress was an active and fruitful one for the Committee on Environment and Public Works. The Committee notes the retirement at the end of the 100th Congress of one of its most productive and visionary members, Senator Robert T. Stafford. Senator Stafford joined the Committee in 1971. Over the years he was recognized as a major force behind many of the Committee's environmental and public works initiatives. Senator Stafford served as chairman of the Committee from 1981 to 1987. He was the ranking member at the time of his retirement.

During the 100th Congress, a number of significant bills reported by the Committee became law. Building on the work of the Committee during the 99th Congress, prompt action was taken early in 1987 to reauthorize the Clean Water Act and the Federal-Aid Highway Act. Both of these major bills were enacted over Presidential vetoes. Public Law 100-4, the Water Quality Act of 1987, reauthorized the Clean Water Act and provided for the gradual phase out of the municipal wastewater treatment construction grants program, and the creation of State revolving loan funds. Public Law 100-17 authorized $88 billion for highway and mass transit programs through fiscal year 1992. This measure also allowed States to raise the speed limit to 65 mph on rural Interstate highways.

Other major legislative accomplishments of the Committee included:

Public Law 100-478 (H.R. 1467), reauthorization of the Endangered Species Act through fiscal year 1992.

Public Law 100-676 (S. 2100), the Water Resources Development Act which authorized the Corps of Engineers to construct 16 new projects with a total cost of $1.8 billion.

Public Law 100-551 (S. 744), the State Radon Development Act of 1987.

Public Law 100-707 (S. 2100), amending the Disaster Relief Act of 1974 to provide for more effective assistance to communities for relief in major disasters and emergencies.

Public Law 100-627 (H.R. 4210), reauthorization for the Marine Research and Protection Act of 1972.

In addition, the committee took part in the reauthorization of the Price-Anderson Nuclear Liability Act and amended the Safe Drinking Water Act to control lead in drinking water. The Committee reported to the Senate legislation dealing with ground water contamination and pesticide use and a comprehensive ground water research bill (H.R. 791), which the Senate passed.

The Committee attempted, as it had twice before in this decade, to correct deficiencies in the existing Clean Air Act. This major environmental statute was last reauthorized in 1977. After extensive hearings and markup sessions, an original bill, S. 1894, was reported on October 22, 1987. S. 1894 was a comprehensive package of amendments containing a revised schedule for attainment of national ambient air quality standards, acid rain control, revised mobile source pollution control standards, Federal standards for air emissions and ash disposal of municipal waste incinerators, and a program to control toxic air pollutants. Unfortunately, S. 1894 was not considered by the full Senate prior to adjournment.

The Committee and its subcommittees held 126 days of hearings and conducted 35 business meetings during the 100th Congress. Members of the Committee served on House-Senate conference committees for legislation dealing with Clean Water, Highways, Disaster Relief, Nuclear Liability, and Water Resources Development.

COMMITTEE JURISDICTION

Section (h) of rule XXV of the Standing Rules of the Senate states that the Committee on Environment and Public Works—

* * * be referred all proposed legislation, messages, petitions, memorials and other material relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control improvements of rivers and harbors including environmental aspects of deepwater ports.
9. Noise pollution.

10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings, and improved grounds of United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation and report thereon from time to time.

FULL COMMITTEE ACTIVITIES

NOMINATIONS

The Committee on Environment and Public Works considered 13 Presidential nominations during the 100th Congress. The nominations which the Committee approved and for which the Senate gave advice and consent were as follows:

ENVIRONMENTAL PROTECTION AGENCY

Linda J. Fisher to be an Assistant Administrator for Policy, Planning, and Evaluation.

Charles L. Grizzle to be an Assistant Administrator for Administration and Resources Management.

Lawrence J. Jensen to be General Counsel.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Grant C. Peterson to be an Associate Director.

MISSISSIPPI RIVER COMMISSION MEMBERS

Brig. General Charles E. Edgar III.
Frank H. Walk.
Rear Admiral Wesley V. Hull.
Sam Epstein Angel.
Col. Gerald E. Galloway, Jr.

NUCLEAR REGULATORY COMMISSION MEMBERS

Kenneth C. Rogers.
James R. Curtiss.

TENNESSEE VALLEY AUTHORITY

Marvin T. Runyon, to be a member of the Board of Directors.

FEDERAL HIGHWAY ADMINISTRATION

Robert E. Farris to be Administrator.

Public Facilities Designations

During the 100th Congress the Committee considered and reported 20 bills naming public facilities in honor of distinguished Americans. All were subsequently enacted. They are as follows:

S. 1901: the Alan Bible Federal Building in Las Vegas, Nevada.

H.R. 614: the Hugo L. Black United States Courthouse in Birmingham, Alabama.

H.R. 4410: the John W. Bricker Federal Building in Columbus, Ohio.

H.R. 436: the Warren E. Burger Federal Building and United States Courthouse in St. Paul, Minnesota.

H.R. 3325: to designate the segment of Corridor V in the State of Alabama as the Robert E. (Bob) Jones, Jr. Highway.

H.R. 4288: the John J. Duncan Federal Office Building in Knoxville, Tennessee.

H.R. 307: the Charles E. Chamberlain Federal Building and United States Post Office in Lansing, Michigan.

H.R. 517: to designate the Soldier Creek Diversion United in Topeka, Kansas, as the Lewis M. Paramore Diversion Unit.

H.R. 1473: the Ward R. Burke Federal United States Courthouse in Lufkin, Texas.

H.R. 4188: the James T. Foley United States Post Office and Courthouse in Albany, New York.

H.R. 4365: to designate the Sunderland National Salmon Station in Sunderland, Massachusetts, as the Richard Cronin National Salmon Station.

S. 1371: the Wilbur J. Cohen Federal Building in Washington, D.C.

H.R. 3327: the L. Richardson Preyer, Jr. Federal Building and United States Courthouse in Greensboro, North Carolina.

H.R. 3811: the Martin Luther King, Jr., Federal Building in Atlanta, Georgia.

H.R. 2243: the Thomas P. O'Neill Federal Building in Boston, Massachusetts.

S. 1476: to designate the Federal Record Center in Overland, Missouri, as the SSG Charles F. Prevedel Building.

S. 1827: the C. Clifton Young Federal Building in Reno, Nevada.

S. 1960: the Edward Zorinsky Federal Building in Omaha, Nebraska.

S. 2248: the Edward Thaxter Gignous United States Courthouse in Portland, Maine.

During the Environment and Public Works Committee's final markup of the 100th Congress, the members were pleased to honor their retiring colleague, Senator Robert T. Stafford, by ordering reported legislation naming the courthouse and post office in his hometown of Rutland, Vermont, in his honor. Senator Stafford had been a member of the Committee since 1971 and served as chairman from 1981 to 1986. He was a leader not only in the Committee's environmental protection efforts, but also in the area of public buildings reform.

Budget Review

The Committee is responsible for annually reviewing budget proposals for 13 agency programs. After this review, the Committee submits funding recommendations for the coming fiscal year to the Senate Budget Committee in accordance with provisions of the Congessional Budget and Impoundment Control Act of 1974.

In 1987, hearings were held on budget proposals for the Environmental Protection Agency, Fish and Wildlife Service, Tennessee Valley Authority, and Nuclear Regulatory Commission. In 1988, hearings were also held on budget proposals for the Federal Highway Administration, Environmental Protection Agency, and Nuclear Regulatory Commission. In both 1987 and 1988, written testimony was submitted to the Committee by agencies not appearing at formal hearings.

The Committee, in 1987, was directed to achieve savings through reconciliation legislation. As a result of that directive, the Committee reported legislation on October 15, 1987, to authorize the Environmental Protection Agency to collect $40 million in fees; to increase fees collected by the Nuclear Regulatory Commission by $50 million; and to increase contributions to the Nuclear Waste Fund by $25 million for each fiscal year 1988–1990. Further savings were reported as amendments to the the Nuclear Waste Policy of 1982.

Public Law 100–203, the Omnibus Budget Reconciliation Act of 1987, includes provisions to amend the Nuclear Waste Policy Act of 1982 based on legislation reported by the Senate Energy and Natural Resources Committee, and a compromise provision to require the Nuclear Regulatory Commission to recover 45 percent of its budget from fees in each of the fiscal years 1988 and 1989.

Drunk Driving

Two drunk driving measures were introduced and referred to the Committee. S. 2367, the Drunk Driving Prevention Act of 1988, was introduced on May 11, 1988 by Senator Lautenberg, with Senators Chafee, Mikulski, Graham, Moynihan, and Reid among the cosponsors. On June 16, 1988, Senators Reid and Lautenberg introduced S. 2523, a bill imposing highway funding sanctions if States fail to enact stronger penalties for drunk driving. A hearing on both bills was held on June 29 by the full committee. S. 2367 was reported, with amendments, by the Committee on August 2, 1988. The measure established a new incentive grant program to encourage the States to adopt stronger laws to reduce the incidence of drunk driving. It was enacted as part of the Anti-Drug Abuse Act of 1988, Public Law 100–690, on November 18, 1988.

Lower Mississippi Delta Development Act

On March 31, 1988, Senator John Breaux and 13 other Senators introduced S. 2246, the Lower Mississippi Delta Development Act. This legislation would have established a Lower Mississippi Delta Development Commission to study the economic development needs of the Lower Mississippi River Delta region.

A joint hearing on S. 2246 was held on June 28, 1988 by the Committee on Environment and Public Works and the Committee on Small Business. The measure was reported on September 28.

The Commission was to remain in effect for two years, and was to be composed of nine members, one apponted by the Governor of each of the seven Delta States, and two to be appointed by the President.

The duties of the Commission were to identify and study the economic development, infrastructure, employment, transportation, resource development, education, health care, housing, and recreation needs of the Lower Mississippi region and develop a 10-year plan that recommended and established priorities to alleviate the needs identified by the Commission. A final report was to be submitted to Congress within 18 months after the first meeting of the Commission.

During Committee consideration of S. 2246, Senator John Chafee proposed an amendment requiring a 30 percent cost sharing contribution by the Mississippi Delta States, which was adopted by a vote of eight to seven.

S. 2246 was never considered by the Senate, however, the basic text of the legislation, minus the cost sharing amendment, was adopted by reference as part of H.R. 4784, the Agriculture appropriations bill, which became Public Law 100–460.

Hearings

During the 100th Congress the Committee on Environment and Public Works conducted 21 days of hearings, taking testimony from 114 witnesses on subjects including the President's budget requests for fiscal years 1988 and 1989, transportation needs, radon contamination, ground water contamination by pesticides, drunk driving laws, and Presidential nominations. In addition, the five subcommittees held 105 days of hearings, taking testimony from Administration officials and public witnesses on programs and policies within the jurisdiction of the Committee.

The full committee held the following hearings:

On February 5, 1987, the Committee began hearings on the President's budget request for fiscal year 1988 considering the budget proposal for the Environmental Protection Agency.

On February 17, 1987, hearings continued on the President's budget request for fiscal year 1988 considering the budget proposal for the United States Fish and Wildlife Service.

On February 18, 1987, hearings concluded on the President's budget request for fiscal year 1988 considering the budget proposal for the Tennessee Valley Authority and the Nuclear Regulatory Commission.

On July 9, 1987, on the nomination of Kenneth C. Rogers to be a Member of the Nuclear Regulatory Commission.

On August 11, 1987, a field hearing in Minot, North Dakota to consider transportation needs in rural areas.

On August 20, 1987, a field hearing in Fargo, North Dakota, to consider radon contamination problems in North Dakota.

On November 19, 1987, to receive testimony from James H. Burnley IV, Secretary Designate, Department of Transportation,

with respect to the Federal-Aid highway program and the Federal Highway Administration within the Department of Transportation.

On December 1, 1987, on the nomination of Grant C. Peterson to be Associate Director for State and Local Programs and Support at the Federal Emergency Management Agency.

On December 1, 1987, to receive testimony from Robert W. Page, nominated to be the Assistant Secretary of the Army for Civil Works.

On December 15, 1987, on the nominations of Marvin T. Runyon to be Chairman of the Board of Directors at the Tennessee Valley Authority, and Linda J. Fisher to be Assistant Administrator for Policy, Planning, and Evaluation at the Environmental Protection Agency.

On February 4, 1988, on the nomination of Charles L. Grizzle to be the Assistant Administrator for Administration and Resources Management at the Environmental Protection Agency.

On February 29, 1988, began hearings on the President's budget request for fiscal year 1989 considering the budget proposal for the Federal Highway Administration.

On March 2, 1988, concluded hearings on the President's budget request for fiscal year 1989 considering the budget proposals for the Environmental Protection Agency and the Nuclear Regulatory Commission.

On March 31, 1988, on the nomination of Robert E. Farris to be Administrator of the Federal Highway Administration.

On April 13, 1988, on establishing a Motor Carrier Administration within the Department of Transportation.

On June 10, 1988, on protection of ground water from contamination by pesticides.

On June 28, 1988, a joint hearing with the Committee on Small Business on S. 2246, a bill to establish the Lower Mississippi Delta Development Commission.

On June 29, 1988, on S. 2367 and S. 2523, bills to encourage states to establish measures for more effective enforcement of laws to prevent drunk driving.

On July 29, 1988, on the proposed declaration of non-navigability for the Delaware River at Philadelphia.

On August 8, 1988, on the nomination of Lawrence J. Jensen to be General Counsel of the Environmental Protection Agency.

On September 13, 1988, on the nomination of James R. Curtiss to be a member of the Nuclear Regulatory Commission.

Business Meetings

During the 100th Congress the Committee conducted 22 business meetings to consider and report legislation, approve nominations, and adopt recommendations for the budget levels of the agencies within the Committee's jurisdiction. A brief summary of the business conducted at each of the meetings follows:

January 15, 1987, to report S. Res. 67 requesting operating expenses for the Committee for 1987.

January 21, 1987, to report an original bill authorizing funds through fiscal year 1991 for Highway construction programs, in lieu of S. 185; to consider and report S. 245, a bill to provide for the

reimbursement of States for advanced construction of highways and an original resolution, S. Res. 85, to waive section 303(a) of the Congressional Budget Act with respect to the aforementioned bill; and to announce its subcommittee assignments.

June 17, 1987, to consider and report the following legislation: S. 744, a bill to assist States in responding to the threat to human health posed by exposure to radon; S. 1337, a bill to name the Warren E. Burger Federal Building and United States Courthouse in St. Paul, Minnesota; S. 1371, a bill to name the Wilbur J. Cohen Federal Building in the District of Columbia; S. 1113 to name the Thomas P. O'Neill, Jr. Federal Building in Boston, Massachusetts; an original bill, S. 1502, authorizing funds for fiscal year 1988 for the General Services Administration; and an original bill, S. 1383, to make a technical correction to Public Law 100–17, Federal Aid Highway Act of 1987.

July 29, 1987, reported with amendment S. 1550, a bill authorizing development of Federal office space and an international cultural and trade center on the Federal Triangle in Washington, D.C.

August 4, 1987, to favorably report the nomination Kenneth C. Rogers to be a member of the Nuclear Regulatory Commission; to consider and report S. 1425, a bill to authorize the construction of a new building for the Environmental Protection Agency; and to report an original bill to extend and improve the procedures for the protection of the public from nuclear accidents.

September 16, 1987, the Committee began markup of proposed legislation to provide limited extensions in the Clean Air Act deadlines for areas which violate the health-protective national air quality standards.

September 23, 1987, the Committee resumed markup of amendments to the Clean Air Act.

September 25, 1987, the Committee continued markup of the Clean Air Act Amendments.

October 2, 1987, the Committee continued markup of the Clean Air Act Amendments.

October 7, 1987, the Committee continued markup of the Clean Air Act Amendments.

October 15, 1987, to favorably report the nominations of Brig. Gen. Charles Ernest Edgar III and Frank H. Walk each to be a member of the Mississippi River Commission. The Committee considered and reported H.R. 307, a bill to name the Charles E. Chamberlain Federal Building and United States Post Office in Lansing, Michigan; H.R. 614, a bill to name the Hugo L. Black United States Courthouse in Birmingham, Alabama. The Committee also completed its review of reconciliation expenditures imposed by H. Con. Res. 93 and agreed on recommendations to make to the Committee on the Budget, and resumed consideration of proposed legislation to provide limited extensions to the Clean Air Act.

October 22, 1987, to report S. 1894, an original bill to provide limited extensions in the Clean Air Act deadlines for areas that violate the health-protective national air quality standards, in lieu of S. 321, S. 1351, and S. 1384.

November 10, 1987, to consider and report S. 675, a bill authorizing funds for the Endangered Species Act; S. 1788, a bill to protect the environment from certain chemicals used in antifoulant paint;

S. 1389, a bill to clarify the National Fish and Wildlife Foundation's use of Federal funds for land acquisition; S. 1143, a bill to transfer ownership of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky; S. 1193, a bill to provide for the acquisition of additional lands for the Kilauea National Wildlife Refuge on the Hawaiian Island of Kauai; and an original bill to control plastic pollution. The Committee also approved two soil Conservation Watershed Projects: Big Creek (Tri-County) Watershed in Texas, and the North Deer Creek Watershed in Oklahoma.

December 17, 1987, to favorably report the nominations of Marvin T. Runyon to be a member of the Board of Directors of the Tennessee Valley Authority, Linda J. Fisher to be an Assistant Administrator of the Environmental Protection Agency, Grant C. Peterson to be an Associate Director of the Federal Emergency Management Agency, and Rear Admiral Wesley V. Hull to be a member of the Mississippi River Commission.

February 18, 1988, to favorably report the nomination of Charles L. Grizzle to be Assistant Administrator for Administration and Resources Management at the Environmental Protection Agency.

March 29, 1988, ordered the following items: S. 1960, a bill to name the Edward Zorinsky Federal Building in Omaha, Nebraska; S. 2100, a bill to authorize programs for the conservation and development of water resource projects of the U.S. Army Corps of Engineers with respect to bank stabilization and shoreline erosion along the Missouri River; S. 2186, a bill to improve the efficiency and effectiveness of management of public building. The Commttee also reported an original bill, S. 1128, authorizing funds for fiscal years 1988 and 1989 for the Nuclear Regulatory Commission.

April 22, 1988, to favorably report the nomination of Robert E. Farris to be Administrator of the Federal Highway Administration. The Committee also reported S. 1476, to name the SSG. Charles F. Prevedel Building in Overland, Missouri; S. 1736 to name the Bob Sikes Visitor Center in Gulf Breeze, Florida; S. 1934 to authorize the Architect of the Capitol to enter into agreements with private entities for the construction of a building for use by judicial branch offices; S. 1979 to authorize funds for the establishment of the Gray's Harbor National Wildlife Refuge in the State of Washington.

June 23, 1988, to report the following measures: S. 2068 to establish a regional marine research program; S. 2030, a bill to prohibit the disposal of sewerage sludge into the ocean at a certain site after a specified date; S. 2024, a bill to extend the deadline for filing inspection and management plans required by the Asbestos Hazard Emergency Response Act; S. 1792, a bill to authorize funds for fiscal years 1987, 1988, and 1989 for the Council on Environmental Quality; S. 2496, to provide for the leasing of certain property to the District of Columbia Chapter of the American Red Cross for construction of a new building; and S. Res. 389, to express the Sense of the Senate regarding future funding of the Construction Grants program of the Clean Water Act.

July 14, 1988, to report S. 1629, a bill to reduce the threat to human health posed by contaminants in the air indoors; S. 1751, a bill to require vessels carrying municipal or commercial waste to comply with certain permit and manifest requirements; S. 2367, a

bill to promote highway safety, by encouraging States to establish measures for more effective enforcement of laws to prevent drunk driving; H.R. 3811 to name the Martin Luther King Federal Building in Atlanta, Georgia. In addition, the Committee reported an original bill, S. 2853, to protect the nation's ground water resources from pesticide contamination, and an original bill, S. 2753, to extend the National Environmental Policy Act requirements to recommendations for the U.S. vote in international financial institutions.

August 10, 1988, to favorably report the nomination of Lawrence J. Jensen to be General Counsel of the Environmental Protection Agency; S. 2246 to establish the Lower Mississippi Delta Commission to provide for an assessment of the economic development needs of the area for the next ten years; S. 2380, a bill to revise and expand provisions relating to major disasters and emergencies; and H.R. 517 to name the Lewis M. Paramore Diversion Unit in Topeka, Kansas.

September 23, 1988, to report the following items: H.R. 791, a bill to provide for the protection of groundwater through State standards, planning, and research activites; S. 2384, a bill to authorize funds for fiscal years 1989, 1990, and 1991 for programs of the Atlantic Striped Bass Conservation Act; H.R. 4030 to strengthen certain fish and wildlife laws; S. Res. 412, to express the sense of the Senate regarding the use of biodegradable plastic products; H.R. 4365 to name the Richard Cronin National Salmon Station in Sunderland, Massachusetts. The Committee also reported an original bill, S. 2869, to authorize the completion of two facades of the Internal Revenue Service Building, and an original concurrent resolution, H. Con. Res. 357, to express the sense of the Congress that the historic preservation of Union Station will provide historical benefit to Washington, D.C. and the nation.

September 29, 1988, to favorably report the nomination of James R. Curtiss to be a member of the Nuclear Regulatory Commission.

SUBCOMMITTEE ACTIVITY

Subcommittee on Environmental Protection

During the 100th Congress, the Subcommittee on Environmental Protection, under the leadership of chairman George J. Mitchell and ranking minority member John H. Chafee, undertook a wide range of legislative and oversight activities. These included amendments to the Clean Water Act and the Clean Air Act, reauthorization of the Endangered Species Act, plastics pollution, marine protection, indoor air pollution, and the build-up of global atmospheric pollutants.

CLEAN WATER ACT AMENDMENTS

As one of the first acts of the 100th Congress, both Houses passed a bill containing major amendments to the Clean Water Act. This legislation had been developed in the 99th Congress by the Subcommittee on Environmental Protection, and was passed by both

House and Senate, but was not signed into law by the President following the adjournment of the 99th Congress.

The measure was reintroduced as H.R. 1 and S. 1 and passed the House by a vote of 406–8 on January 8, 1987. It passed the Senate by a voice vote on January 21, and was vetoed by the President on January 30. Both House and Senate overrode the veto on February 3 and 4 respectively, the Senate by a margin of 86–14. H.R. 1 became Public Law 100–4.

This legislation includes over 70 amendments to expand and strengthen the Clean Water Act. Key provisions provide for expansion of programs to control nonpoint sources of pollution, new initiatives to control toxic water pollution, strengthening of penalty and enforcement provisions, clarification of permit program requirements, new controls over discharges of stormwater, a new program for control of sewage sludge disposal, and new programs for protection of coastal estuaries, the Chesapeake Bay, and the Great Lakes.

Public Law 100–4 also provides for the gradual phaseout of grants for construction of sewage treatment plants and the creation of State revolving loan funds. These State loan funds are intended to provide a permanent source of assistance in the financing of sewage treatment and other water quality projects. The Federal Government is to provide a total of $18 billion for sewage treatment, evenly divided between phase-out of the grant program and capitalization of State revolving loan funds.

The Subcommittee also reported a resolution (S. Res. 389) calling for the funding of the construction grant program at the levels authorized in the new amendments. The resolution, which was reported by Committee but not passed by the Senate, was in response to the Administration's proposal for significant cuts in sewage treatment funding.

Following the passage of Public Law 100–4, the 100th Congress passed several other minor amendments to the Clean Water Act including Public Law 100–202 and Public Law 100–688, which provided for the addition of estuaries to the National Estuary Program. Public Law 100–688 also clarified prohibitions against dumping of medical wastes, added a study of the ocean discharge provisions of the Act, and added provisions for special management of State revolving loan funds in New York and New Jersey as part of a broader effort to end the ocean dumping of sewage sludge. Public Law 100–581 clarified the definition of "Indian tribes".

CLEAN AIR ACT AMENDMENTS

On November 20, 1987, the Environment and Public Works Committee reported an original bill, S. 1894, to amend the Clean Air Act. The Committee had previously reported amendments to the Act in 1982 and 1984. No bill has been considered by the Senate since the Act was last amended in 1977.

S. 1894 was ordered reported by the Full Committee on November 20, 1987. The bill addressed ozone and carbon monoxide nonattainment, toxic air pollutants, acid rain, and emissions from municipal waste combustors. The 1977 amendments to the Act had primarly addressed nonattainment issues. Hazardous air pollutants

had been previously addressed in the 1970 Act and transboundary emissions were also addressed, although without reference specifically to acid rain.

The 1977 Clean Air Act amendments provided that by December 31, 1987 all areas must comply with the National Ambient Air Quality Standards (NAAQS) or by subject to sanctions. Many areas did not meet this deadline for ozone and carbon monoxide. In late 1987 the Mitchell-Conte amendment to the HUD-Independent Agencies appropriations extended the deadline to provide that no sanctions shall apply for failure to attain the standards by December 31, 1987 until August 31, 1988. This postponement in sanctions was designed to give Congress adequate time to consider and pass Clean Air Act legislation.

The Senate did not act on comprehensive clean air legislation prior to the adjournment of the 100th Congress.

RADON AND INDOOR AIR QUALITY

In addition to development of legislation to reauthorize the Clean Air Act, consideration was given to problems associated with the quality of the air indoors. Based on several hearings, the Subcommittee developed S. 744, the Radon Program Development Act and S. 1629, the Indoor Air Quality Act.

Radon is a naturally occurring gas which can build up to hazardous levels in homes and other structures. The Environmental Protection Agency estimates that radon causes between 5,000 and 20,000 lung cancer deaths each year. The Radon Program Development Act provides an authorization of $10 million per year for grants to States for development of radon response programs, radon proficiency testing, model building codes, and surveys of radon in schools and Federal buildings. S. 744 passed the Senate on July 8, 1987, and was signed into law on October 28, 1988 (Public Law 100–551).

The Subcommittee heard testimony at several hearings indicating that toxic contaminants are found in the air indoors and are often found at higher levels indoors than outdoors. S. 1629, the Indoor Air Quality Act, would have provided for research of indoor air contamination, development of contaminant health advisories, development of a Federal response plan, State indoor air quality programs, Federal agency coordination, response to "sick buildings" and other initiatives. This bill was reported by the full Committee on August 2, 1988, but was not considered by the Senate prior to adjournment.

ENDANGERED SPECIES ACT

Early in 1987 the Subcommittee resumed efforts begun in the 99th Congress to extend the authorization for appropriations to carry out the Endangered Species Act and hearings were held in April and May of 1987. S. 675, a bill improving and extending Federal and State endangered species programs through fiscal year 1992, was reported by the Committee on December 9, 1987, and passed the Senate on July 28, 1988 by a vote of 93 to 2. The Conference report on H.R. 1467, which made only minor changes in the text of the Senate bill, was approved overwhelmingly by the Senate

and the House and became public law when the President signed it on October 7, 1988 (Public Law 100-478).

The legislation renewed and refined the Endangered Species Act for the first time since 1982. The amendments authorize increased spending for protecting species; require monitoring of candidate species awaiting listing under the Act; establish a cooperative endangered species conservation fund to provide nearly a three-fold increase in matching funds to the States for recovery of species; provide increased protection for endangered species of plants from vandals and unscrupulous collectors; and increase civil and criminal penalties for violations of the Act.

OTHER FISH AND WILDLIFE ACTIVITIES

Conservation of Atlantic Striped Bass—The Subcommittee on Environmental Protection held a hearing on legislation (S. 2384) to strengthen conservation of the Atlantic striped bass in May of 1988. This bill was reported by the Committee on September 28, 1988 and passed by the Senate on October 14, 1988. It became public law on November 3, 1988 (Public Law 100-589). The legislation requires each of the 13 Atlantic coastal States to comply with restrictions on commerical and recreational striped bass fishing through 1991 which were agreed to by representatives of these States, or have the Federal Government impose a moratorium on all striped bass fishing in each such State. Additionally, the National Marine Fisheries Service is required to prepare a plan for the conservation of striped bass in the Exclusive Economic Zone, and the U.S. Fish and Wildlife Service is directed to conduct a study of striped bass in North Carolina.

Improved Fish and Wildlife Conservation.—On April 27, 1988, the Subcommittee conducted a hearing on S. 2272, a bill to conserve non-game fish and wildlife. On September 30, 1988, the Committee reported this legislation (as a new title to H.R. 4030) amending the Fish and Wildlife Conservation Act of 1980 to require better Federal monitoring and conservation of nongame migratory birds. At the same time the Committee also reported legislation in H.R. 4030 which—

(1) strengthened enforcement of fish and wildlife laws by amending the Lacey Act;

(2) reauthorized fish and wildlife management on Federal lands under the Sikes Act,

(3) extended the authorization to appropriate funds for wetlands acquisition under the Wetlands Loan Act;

(4) transferred Federal fish hatcheries to the States of New Hampshire, Wisconsin, and Kentucky;

(5) increased penalties for violations of National Wildlife Refuge regulations; and

(6) included Massachusetts Bay in the National Estuary Program.

H.R. 4030, with the Committee's provisions, passed the Senate on October 14 and became Public Law 100-653 on November 14, 1988.

North American Waterfowl Management Plan.—The Subcommittee held a hearing in September of 1987 on S. 1389, a bill amending the Fish and Wildlife Foundation Establishment Act. The legisla-

tion was reported by the Committee on December 15, 1987, passed the Senate on December 18, and became public law on January 11, 1988 (Public Law 100-240). It enables the United States to begin assisting in protecting waterfowl habitat in Canada, which supports two-thirds of the continent's duck, geese, and swan populations. The effort is part of the North American Waterfowl Management Plan, which was signed in 1986 by the Secretary of the Interior and the Canadian Minister of the Environment. Successful re-building of waterfowl numbers, according to the plan, will require preserving more than 2 million acres of habitat in the United States and nearly 4 million acres in Canada by the turn of the century.

Arctic National Wildlife Refuge.—The Subcommittee on Environmental Protection held two hearings (December 10, 1987, and February 17, 1988) concerning recommendations made in the Department of the Interior's Legislative Environmental Impact Statement that the Congress enact legislation to allow oil and gas development in the coastal plain of the Arctic National Wildlife Refuge. No further action was taken by the Subcommittee or Committee on this issue during the 100th Congress.

Grays Harbor National Wildlife Refuge.—The Subcommittee conducted a hearing in February, 1988, on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington. The Committee reported the bill June 27, 1988, and it passed the Senate July 7, 1988. It became public law on August 19, 1988 (Public Law 100-406).

PLASTICS POLLUTION

The Subcommittee on Environmental Protection conducted three hearings during 1987 to examine the pollution of our waters by plastic debris and the methods to reduce the problems it causes. These hearings led to the development of an original bill (S. 1986), which was reported by the Committee on December 21, 1987. All but one of the provisions of S. 1986 were incorporated into the Marine Plastic Pollution Research and Control Act of 1987, which became public law on December 29, 1987 (Public Law 100-220).

The new law, in conjunction with a global agreement ratified by the Senate (Annex V to the International Convention for the Prevention of Pollution from Ships), makes it illegal to dispose of plastic materials in any waters under U.S. jurisdiction after December 29, 1988. The new plastics law also requires the Environmental Protection Agency to examine other methods of reducing plastic waste in the environment, including using degradable plastics in certain products; encouraging recycling of plastic products; using alternative materials for current plastic products; using labels to encourage proper disposal; and increasing public awareness of the problem and its solutions.

The one key provision of S. 1986 not included in the 1987 Marine Plastic Pollution Research and Control Act required the Administrator of the EPA to issue regulations banning the use of non-degradable plastic ring carriers unless degradable plastics are found to be not feasible substitutes for this purpose. This measure was passed by the Senate on May 13, 1988. It was signed by the President on October 28, 1988, becoming Public Law 100-556.

MARINE PROTECTION

A major issue in the 100th Congress was concern for the environmental quality of marine and coastal waters. During the summer of 1988 beaches throughout the Northeast were closed due to pollution, medical waste was found in marine waters and in waters of the Great Lakes, and new scientific evidence pointed to a steady decline in marine water quality. Three bills were developed in the Subcommittee on Environmental Protection to address coastal pollution problems.

An issue of special concern was the practice of ocean dumping of sewage sludge from New York and New Jersey communities at an ocean dump site off the New Jersey coast. Based on hearings held in February of 1988, the Subcommittee developed legislation (S. 2030) which was passed by the Senate on August 9 and enacted on November 18, 1988 as the Ocean Dumping Ban Act (Public Law 100–688). The Act provides for ending ocean dumping by December 31, 1991, establishes a system of fees and penalties for dumping, and provides for monitoring of the dump sites. The bill also addresses medical wastes and movement of garbage by vessels.

The Subcommittee held several hearings on environmental conditions in marine waters, including a hearing in Portland, Maine in September of 1987 and a hearing in Washington, D.C. in April of 1988. Based on these hearings, the Subcommittee developed legislation to expand and strengthen marine research (S. 2068) which was reported by the full Committee in July of 1988 but was not passed by the Senate. This legislation called for development of regional marine research programs, regional research plans, and assessment of regional marine environmental quality.

In a related effort, the Subcommittee held hearings in April, 1987 on the problem of the toxic chemical TBT used in boat paints. The Subcommittee developed legislation (S. 1788), entitled the Organotin Antifouling Paint Control Act, which limits the amount of TBT used in boat paints and includes a ban on application of TBT paints to smaller boats. The legislation was incorporated into H.R. 2210, which was enacted as Public Law 100–333 on June 16, 1988.

HEARINGS

During the 100th Congress the Subcommittee on Environmental Protection held 36 days of hearings as follows:

On January 28, 1987, a joint hearing with the Subcommittee on Hazardous Wastes and Toxic Substances on greenhouse gases, the relationship between the greenhouse effect and ozone depletion, and the connections between the causes of greenhouse effect and acid deposition.

On February 3, 1987, began hearings on acid rain issues by reviewing the health effects of acid rain precursors, focusing on sulfur dioxide and nitrogen oxides.

On March 4, 1987, continued hearings on acid rain issues looking at emerging and available technologies for the control of acid rain procursors.

On March 11, 1987, continued hearings on technologies for the control of acid rain precursors, focusing on clean coal technology

and the U.S. Canada Joint Report of the Special Envoys on Acid Rain.

On March 26, 1987, began hearings on the failure of certain municipalities to attain the Federal standards for carbon monoxide and ozone, focusing on whether polluted areas have taken all reasonable steps to reduce pollution and what additional control measures could be implemented.

On March 31, 1987, continued hearings on nonattainment issues, receiving testimony on health problems in nonattainment areas.

On April 2, 1987, a joint hearing with the Subcommittee on Superfund and Environmental Oversight on S. 743, a bill to authorize a study to determine the extent to which radon in the Nation's schools poses a threat to students and employees.

On April 7, 1987, on S. 675, a bill authorizing funds for fiscal years 1988–92 for programs of the Endangered Species Act of 1973.

On April 9, 1987, continued hearings on health effects from ozone and carbon monoxide in nonattainment areas, focusing on accomplishments in reducing emissions from motor vehicles.

On April 22, 1987, continued hearings on clean air issues to review the Administration's current policy on acid rain and the inability of many areas to attain compliance with the requirements of the Clean Air Act by the deadline at the end of the year.

On April 24, 1987, on health effects of indoor air pollution.

On April 29, 1987, to examine the impact on the marine environment from the use of tributyltin in marine paints.

On May 26, 1987, a field hearing in Portland, Maine on the implementation of the Endangered Species Act in the State of Maine.

On June 1, 1987, a field hearing in Narragansett, Rhode Island on controlling and reducing pollution from plastic waste.

On June 16, 1987, on S. 1351, a bill to provide limited extensions of Clean Air Act deadlines for areas that violate the health protective national ambient air quality standards.

On June 17, 1987, on proposals to provide limited extensions to the Clean Air Act deadlines for areas that violate the national ambient air quality standards for ozone and carbon monoxide, including S. 1351, S. 321, S. 300, S. 1123, S. 316, and S. 95.

On June 19, 1987, on clean air issues, focusing on S. 1384, a bill to more aggressively and effectively regulate toxic air pollutants, and related proposals including S. 1351, S. 321, S. 300, S. 1123, S. 316, and S. 95.

On July 2, 1987, a field hearing in Augusta, Maine, on the protection of ground water resources in the State of Maine.

On July 7, 1987, a field hearing in Asbury Park, New Jersey, on controlling and reducing pollution from plastic waste.

On July 22, 1987, continued hearings on proposed legislation to provide limited extensions of the Clean Air Act deadlines for areas that violate the health-protective national ambient air quality standards.

On July 23, 1987, continued hearings on extending the deadlines for attainment of the national ambient air quality standards for ozone and carbon monoxide under the Clean Air Act.

On September 8, 1987, a field hearing in Augusta, Maine to review testimony on the environmental trends in the Gulf of Maine.

On September 10, 1987, on S. 1389 and H.R. 2020, bills to clarify the use of Federal funds for land acquisition under the National Fish and Wildlife Foundation Establishment Act.

On September 17, 1987, on S. 559, S. 560, and S. 633, bills to reduce the pollution of U.S. water and coastal areas by plastic debris.

On November 20, 1987, on S. 1629, a bill to reduce the threat to human health posed by contaminants in indoor air.

On December 2, 1987, to review the Environmental Protection Agency's proposed post-1987 ozone and carbon monoxide policy.

On December 10, 1987, began hearings on S. 1804, a bill to designate the coastal plain of the National Arctic Wildlife Refuge in Alaska as wilderness.

On February 4, 1987, to review the facts of the oil spill from the Ashland Oil Company terminal in Pennsylvania, and the subsequent discharge of diesel oil into the Monongahela and Ohio Rivers.

On February 17, 1987, concluded hearings on S. 1804, a bill to designate the coastal plain of the National Arctic Wildlife Refuge in Alaska as wilderness.

On February 18, 1988, a joint hearing with the Subcommittee on Superfund and Environmental Oversight on the implementation of title I of the Marine Protection, Research, and Sanctuaries Act, focusing on the issue of ocean disposal of municipal sewerage sludge.

On February 23, 1988, on S. 1979, a bill to establish the Grays Harbor National Wildlife Refuge in the State of Washington.

On April 20, 1988, to review environmental trends and conditions in marine and coastal waters.

On April 27, 1988, on S. 2272, a bill to authorize funds for fiscal years 1989 and 1990 to provide financial and technical assistance to State "nongame" fish and wildlife programs.

On April 28, 1988, on S. 2068, a bill to protect marine and nearshore coastal waters through the establishment of regional marine research centers.

On May 25, 1988, on S. 2384, a bill to authorize funds for fiscal years 1989, 1990, and 1991 for programs of the Atlantic Striped Bass Conservation Act.

On September 20, 1988, an oversight hearing on the implementation of programs for the protection of the Chesapeake Bay, as contained in the Chesapeake Bay Agreement of 1987.

BUSINESS MEETINGS

During the 100th Congress, the Subcommittee on Environmental Protection held 8 days of business meetings. A brief summary of the business conducted at each of the meetings is as follows:

April 30, 1987, to approve for full committee consideration with amendments S. 744, to assist States in responding to the threat to human health posed by exposure to radon.

June 29, 1987, to begin consideration of proposed legislation to provide limited extensions in Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

June 30, 1987, to continue consideration of proposed legislation to provide limited extensions in Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

July 29, 1987, to approve for full committee consideration an original bill to provide limited extensions in Clean Air Act deadlines for areas that violate the health-protective national air quality standards.

October 22, 1987, to approve the following measures: S. 675, a bill to authorize funds for fiscal years 1988 through 1992 for programs of the Endangered Species Act, with an amendment; S. 1389, a bill to clarify the National Fish and Wildlife Foundation's use of Federal funds for land acquisition, with an amendment; S. 1143, a bill to transfer ownership of the Frankfort National Fish Hatchery to the Commonwealth of Kentucky, with an amendment; S. 1193, providing for the acquisition of additional lands for the Kilauea National Wildlife Refuge on the Hawaiian Island of Kauaia, with an amendment; and S. 1788, to protect the aquatic environment from certain chemicals used in antifoulant paints. Also an original bill to study and control the disposal of plastic waste and to implement Annex V of the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978, in lieu of S. 559, S. 560, and S. 633.

May 11, 1988, to approve for full committee consideration the following measures: S. 1751, a bill to require vessels carrying municipal or commercial waste to comply with certain permit and manifest requirements, with amendment in the nature of a substitute; S. 1629, a bill to reduce the threat to human health posed by contaminants in the air indoors, with an amendment in the nature of a substitute; and S. Res. 389 to express the sense of the Senate that the Construction Grants Program under the Clean Water Act should be fully funded and implemented as authorized and intended by the Water Quality Act of 1987.

June 21, 1988, to approve for full committee consideration S. 2030, a bill to prohibit the disposal of sewage sludge into the ocean at a certain site after a specified date, and to require reports on progress made in developing alternative disposal options, with an amendment in the nature of a substitute; and S. 2068, a bill to protect marine and nearshore—coastal water through establishment of regional marine research centers, with an amendment in the nature of a substitute.

September 9, 1988, to approve the following for Full Committee consideration: S. 2384, a bill to authorize funds for fiscal years 1989, 1990, and 1991 for programs of the Atlantic Striped Bass Conservation Act; S. 2272, a bill to authorize funds for fiscal years 1989 and 1990 for programs of the Fish and Wildlife Conservation Act of 1980; H.R. 4030, a bill to strengthen certain fish and wildlife laws; and H.R. 4365, a bill to designate the Sunderland National Salmon Station located in Sunderland, Massachusetts, as the "Richard Cronin National Station".

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

The Subcommittee on Water Resources, Transportation, and Infrastructure, under the leadership of Chairman Daniel Patrick Moynihan and ranking minority member Steve Symms, conducted extensive investigations and produced legislation in a number of areas, including transportation-related issues, public buildings, water resources, and disaster relief. The Subcommittee directed a great deal of attention toward infrastructure-related problems in anticipation of legislation in future Congresses.

TRANSPORTATION

The Surface Transportation and Uniform Relocation Assistance Act of 1987

At the beginning of the 100th Congress, the Subcommittee made passage of highway reauthorization legislation a top priority. Despite the Committee's concerted efforts the previous year, conferees had failed to reach agreement on legislation before adjournment of the 99th Congress. The Committee had reported S. 2405, the Federal-Aid Highway Act of 1986, unanimously, and the Senate had also approved the bill unanimously. But without agreement on the conference report, apportionments which should have been distributed to the States on October 1, 1986 remained frozen in the Highway Trust Fund. This halt in funding and roadbuilding became increasingly serious as months passed and the spring construction season grew nearer.

Building on S. 2405, the Subcommittee made reauthorization of the Federal-aid highway program its first order of business. On the first day of the new Congress, committee chairman Quentin N. Burdick introduced S. 185, the Federal-Aid Highway Act of 1987. The new bill was similar to S. 2405 and was cosponsored by a majority of the committee members.

At the Committee's first business meeting on January 21, S. 185 was considered and amended. An original bill was reported in lieu of S. 185, adopted by the Committee by a unanimous rollcall vote. The new bill became S. 387 and the report accompanying it was numbered Senate Report 100–4. An interim measure, S. 245, to provide for the reimbursement of States for advance construction of highways was also favorably reported at the January 21 meeting.

Among the important provisions of S. 387 were the administrative release mechanism for Interstate construction and Interstate substitute funds ensuring long range funding security for the States; sufficient funds to permit completion of the Interstate system; an increased emphasis on rehabilitation needs; a total of $52.4 billion in authorizations over a four-year period; equitable distribution of funds; new research and financing initiatives; program reforms; and additional flexibility for the States in administering their highway construction and improvement programs.

The Senate began consideration of S. 387 on February 2 and concluded action on February 4. An amendment offered by Senator Symms to permit States to raise the speed limit to 65 miles per hour on rural Interstates was adopted. Among other major amend-

ments adopted were those to extend Highway Trust Fund taxes; amend the Uniform Relocation Assistance Act; add provisions regarding highway safety; and authorize funds for urban mass transportation.

On January 21, the House of Representatives had passed and sent to the Senate the Surface Transportation and Uniform Relocation Assistance Act of 1987 (H.R. 2). Because of the Constitutional requirement that revenue measures originate in the House, the Senate incorporated the text of S. 387 into H.R. 2 as an amendment and passed the bill by a vote of 96–2.

Senate conferees for the highway title first met with their House counterparts on February 24. Among the many issues in disagreement were authorization levels, formulas, the speed limit, demonstration projects, toll financing, Buy America, the 85 percent minimum allocation program, highway beautification, the Central Artery project in Boston, the Disadvantaged Business Enterprise program, sanctions against South Africa, earmarking of funds, and cost sharing on studies.

After five meetings and considerable debate, agreement was at last reached among the conferees. Conference Report 100–27 was filed on March 17. As part of the agreement, a separate vote was scheduled in the House on H. Con. Res. 77, the speed limit measure. On March 18, the House agreed to the conference report by a vote of 407–17. The House then voted 217–206 to allow States to raise the speed limit and to include the provision as part of H.R. 2. The next day the Senate agreed to the conference report by a vote of 79–17. On March 20, the Senate passed the speed limit measure by a 60–21 vote.

However, on March 27, President Reagan vetoed H.R. 2. Almost six months into the 1987 fiscal year, States were still without Federal-aid highway funding despite the fact that motorists continued to finance the program through highway user taxes. On March 31, the House voted overwhelmingly to override the President's veto by 350–73.

In the end, on April 2, the Senate voted 67–33 in favor of the override, exactly the two-thirds majority required. Finally, after the Nation had gone 185 days without a highway program, Public Law 100–17 was enacted. The States received their long over-due apportionments the same day.

The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) provides $87.6 billion over a five-year period, from fiscal years 1987 through 1991. Of that amount, $67.1 billion—nearly 77 percent—is available to fund highway and bridge programs. All but a tiny fraction of the funding is financed by users of the highway system, making the Federal-aid highway program virtually self-supporting. It remains one of the most successful Federal programs in history and one of the best examples of the Federal-State partnership.

STURAA establishes an annual obligation ceiling of $12.35 billion. A total of $15.6 billion is authorized for completion of the Interstate system. The minimum apportionment of one-half percent of the Interstate construction funds to each State is continued. There is a mechanism to guarantee that Interstate funds will be released to the States on schedule each year. The existing Inter-

state 4R formula is retained with apportionments based on 55 percent lane miles and 45 percent vehicle miles traveled.

Federal participation in the Bridge, Secondary, Urban, Safety, Minimum Allocation, Interstate Substitution, and Federal Lands and Emergency Relief programs is continued. Additional flexibility in the use of funds is provided to States. An important new research initiative—the Strategic Highway Research Program—is launched, with a total of approximately $150 million in funding. The act also mandates a major study of the trucking industry by the Transportation Research Board.

A pilot program for toll financing is created. Cost sharing is required for demonstration projects and studies, and a new mechanism is created to enable States to fund high priority projects without the expenditure of new Federal money. States are permitted to raise the speed limit on rural Interstates to 65 miles per hour. Qualified Women Business Enterprises are made eligible to participate with qualified Minority Business Enterprises in the Disadvantaged Business Enterprise program, and uniform criteria are established for participation.

There were seven separate congressional committees involved in drafting the complex, 148-section act. In addition to Title 1, the Federal-Aid Highway Act of 1987, STURAA contains four other titles. They are the Highway Safety Act of 1987, the Federal Mass Transportation Act of 1987, the Uniform Relocation Act Amendments of 1987, and the Highway Revenue Act of 1987. STURRA extends the Highway Trust Fund for five years to June 30, 1994 and excise taxes to September 30, 1993. Highway user taxes continue to fund highway safety, transit, and uniform relocation programs as well as highway and bridge programs.

Following passage of H.R. 2, the Subcommittee held a hearing regarding the accuracy of information supplied by the Department of Transportation (DOT) during consideration of STURAA by the Senate. The hearing was held on April 28, 1987 with two DOT officials presenting testimony.

The major transportation accomplishment of the Subcommittee during the 100th Congress was enactment of STURAA. During the remainder of the 100th Congress, the Subcommittee continued its oversight functions and embarked on a long-range review of transportation infrastructure needs in the post-Interstate era. Among the most important surface transportation concerns for the Subcommittee currently are maintenance of the existing system; construction costs and the needs for cost-sharing; innovative financing approaches; safety; a balance between transportation projects and environmental protection; mobility and access for rural, suburban, and urban travelers; mult-modal, coordinated transportation planning; economic productivity and competitiveness; applied research; and magnetic levitation high speed transportation systems.

Schoharie Creek Bridge.—The Subcommittee held a field hearing on May 4, 1987 in Amsterdam, New York to receive testimony on the collapse of the New York State Thruway bridge over the Schoharie Creek a month earlier. Ten lives and millions of dollars were lost in the tragedy which severed a vital Northwest transportation link. Among those presenting testimony were Federal, State, and local officials and bridge experts.

A bill, S. 1169, making the New York State Thruway bridge over the Schoharie Creek eligible for emergency relief funding, was introduced by Senator Moynihan on May 8, 1987. It was enacted on December 22, 1987 as part of the fiscal year 1988 continuing resolution, Public Law 100-202.

Speed Limit.—A hearing was held on February 25, 1988 on speed limit issues, the effect of the increase to 65 miles per hour, the relationship between compliance factors and safety improvements, and legislative proposals. Members of Congress, government officials, and representatives of safety groups presented testimony.

Legislation eliminating speed limit compliance requirements and funding sanctions was subsequently introduced by Senator Symms on June 21, 1988. The bill, S. 2550, was referred to the Committee and received the strong endorsement of DOT Secretary Burnley. On July 11, 1988, Senator Lautenberg, with Senators Moynihan and D'Amato, introduced S. 2629 to make changes in the speed limit sanctions process. Similar legislation establishing a withholding moratorium until the Congress could reexamine sanctions was enacted on September 30, 1988 as part of the fiscal year 1989 DOT appropriations measure, Public Law 100-457.

Infrastructure.—In the first session of the 100th Congress, the Subcommittee on Water Resources, Transportation, and Infrastructure began consideration of legislation to develop the appropriate technology for construction of a high speed transportation system based on magnetic levitation. The origin of this legislation is based on current problems with transportation congestion and major delays in intercity highway and airway traffic. Predictions have been made that major intercity highways will require expansion of up to 49 lanes in width to handle all automobile traffic projected for the year 2000.

On February 18, 1988, Sen. Moynihan introduced S. 2072, which would direct the Department of Transportation to develop guidelines for the use of Federal-aid highway rights-of-way for the construction of mag-lev systems. There is widespread agreement that the single largest cost of a major new ground transportation network using mag-lev technology would be to acquire sufficient right of way through populated areas.

The Subcommittee held hearings on this measure on February 26 and September 28, 1988. No further action was taken on S. 2072.

In addition to the mag-lev hearings, the Subcommittee held five hearings on infrastructure issues in Washington and New York City. These were held on August 22, October 6, 21, November 2, 1987, and January 21, 1988. Testimony was received on highway and bridge needs, the use of the Interstate highway system right-of-way for magnetic levitation transportation, and other public works concerns.

Based on the information gained from these hearings and from other sources, Senator Moynihan introduced S. 2088, the National Infrastructure Development Act of 1988, on February 24, 1988. The introduction of this bill coincided with the release of "Fragile Foundations: A Report on America's Public Works," the final report of the National Council on Public Works Improvement. The Council had been created by the Committee on Environment and Public Works in the Public Works Improvement Act of 1984 (Public

Law 98-501) to make a major assessment of the country's public works investment crisis.

S. 2088 contained two major components to address two different types of infrastructure needs. Title I of the bill would encourage States to establish State Infrastructure Revolving Funds to finance locally oriented, small scale infrastructure projects. These revolving funds would be capitalized by a portion of existing Federal infrastructure grants plus a bonus paid by the National Infrastructure Corporation described below. The State Revolving Funds would allow for increasingly flexible spending; the first loans from the Fund could go only toward projects that meet the Federal guidelines of the program where these funds originated (i.e., Federal bridge funds deposited by a State in its revolving fund could go only for bridges), however repayment of these first loans would go into a non-programmatic general infrastructure account and then be available for use on many different types of infrastructure projects.

Title II of the bill would create a National Infrastructure Corporation to administer a nationwide program for financing large scale infrastructure projects. This Corporation would be capitalized at a level of approximately $2.3 billion per year, to be derived from the interest currently accruing on the existing Federal transportation trust funds.

The Subcommittee's first hearing on S. 2088 took place on July 22, 1987, and featured the historic testimony of the Speaker of the House, the Honorable Jim Wright. Also testifying were the Chairman and Ranking Minority Member of the Committee on Public Works and Transportation of the House of Representatives, the Honorable James J. Howard and the Honorable John Paul Hammerschmidt.

The Subcommittee held additional hearings on October 6, 21, and November 4, 1987, receiving testimony from 25 different individuals and groups.

While no further action took place on S. 2088 in the 100th Congress, a firm basis was established for infrastructure considerations in the future.

PUBLIC BUILDINGS

The Subcommittee on Water Resources, Transportation, and Infrastructure has jurisdiction over the public buildings program of the General Services Administration (GSA). To provide work space for approximately 940,000 Federal employees in over 7,000 leased and Government-owned buildings, GSA requested nearly $3.2 billion for fiscal year 1989. The Committee is responsible for the authorization of the Public Buildings Service's annual budget and also approves and oversees individual projects.

Federal Triangle Development Act.—In 1987 the Committee reported S. 1550, the Federal Triangle Development Act, landmark legislation to bring to completion the redevelopment of Pennsylvania Avenue, an effort ordered by President John F. Kennedy in a directive issued June 1, 1962. The bill reported by the Environment and Public Works Committee also provided for the completion of the Federal Triangle in accordance with the Public Buildings Act

of 1926, signed by President Coolidge and undertaken by then Secretary of the Treasury Andrew Mellon.

President Kennedy's directive resulted from the recommendations of an ad hoc Committee on Federal Office Space, which was formed during his Administration to address the problems of the lack of suitable office space for Federal agencies and the deterioration of the area between the Capitol and White House. Senator Daniel Patrick Moynihan, who chaired the Environment and Public Works Committee's Subcommittee on Water Resources, Transportation, and Infrastructure during the 100th Congress, served as secretary to the ad hoc committee. He introduced S. 1550, the Federal Triangle Development Act, on July 24, 1987, after having chaired a subcommittee hearing on the proposal on May 1 of that year.

S. 1550 was reported by the Committee on Environment and Public Works on August 3, 1987. The legislation passed the Senate without amendment on August 5; two days later the House agreed to the Senate bill. The measure was signed into law (Public Law 100–113) by the President on August 21, 1987.

The Federal Triangle Development Act provides for the construction of a Federal office complex and International Cultural and Trade Center to be located at 14th Street and Pennsylvania Avenue, NW. The building will be acquired under a "lease-to-own" plan, whereby the Federal Government's lease payments over a 30-year term will pay for the cost of constructing the building. At the end of the 30 years, the Federal Government will own the building in fee simple; no payments in addition to the annual rent will be necessary. In adopting this innovative financing mechanism, the Committee took into account the dual problems of the enormous budget deficits, which render almost impossible a massive initial outlay of funds for direct construction; and the escalating annual cost of leasing Federal office space, which by fiscal year 1987 amounted to over $1 billion and is projected by GSA to reach $2 billion by the year 2000.

Providing 1.9 million occupiable square feet, the new structure will be the Nation's second largest Federal office building, surpassed only by the Pentagon's 3.8 million occupiable square feet. 1.4 million occupiable square feet of the new building will be devoted to Federal uses; the remaining 500,000 will house the International Cultural and Trade Center, which will provide space for foreign missions; international, State, and local agencies concerned with trade; and government-sponsored organizations supporting cultural exchanges. The Committee believes that the Center, if properly leased and operated, will enhance opportunities for American trade, commerce, communications, and cultural exchanges, and thus complement the work of Federal, State and local agencies in the areas of international trade and cultural activities.

The primary agencies involved in planning and building this facility will be the General Services Administration; the Pennsylvania Avenue Development Corporation; and the International Cultural and Trade Center Commission, which was established by the Federal Triangle Development Act. The Department of State, the National Capital Planning Commission, and the Commission of Fine Arts will have advisory roles to assure that the complex is of

a monumental quality, appropriate to the distinguished setting of the Federal Triangle.

Judiciary Office Building Development Act.—Legislation (S. 1934) was passed in 1988 to authorize the construction and acquisition of a new building for the Federal Judiciary, to be located on Capitol grounds adjacent to Union Station. This much needed building will house over 800 Judiciary employees and will provide for the consolidation of the Administrative Office of the U.S. Courts, the Federal Judicial Center, the Judicial Panel of Multidistrict Litigation, the United States Sentencing Commission, chambers for retired Justices of the Supreme Court, and other related offices of the Judiciary. The location of a new building for the Federal Judiciary on this site is in keeping with the Master Plan of the United States Capitol of 1981.

The new Judiciary building will be acquired under a lease-to-own arrangement. The Architect of the Capitol will select a developer of the property. Once the building is constructed, space will be made available, on a reimbursable basis, first to offices of the Judiciary and then to other government entities, except congressional offices. The legislation also establishes a Judiciary Office Building Commission, to oversee the design, construction, and operation of the building.

The Judiciary Office Building Development Act (S. 1934) was introduced by Chairman Burdick, Senator Moynihan, and Senator Stafford on December 8, 1987. A hearing was held on the legislation by the Subcommittee on Water Resources, Transportation, and Infrastructure on February 3, 1988. Former Chief Justice Warren E. Burger testified that the acquisition of a new building for the Judiciary had been of major concern to him throughout his tenure. Several preservation groups and neighborhood associations expressed concern that the height of the new building might exceed the limits imposed in the Building Height Act of 1910.

The bill was rewritten during Committee consideration, and a provision was added to stipulate that the height of the building will be compatible with that of surrounding Government and historic buildings and conform to the Building Height Act. It was also during Environment and Public Works Committee consideration that a provision was included which forbade the leasing of any space in the new building to congressional offices.

S. 1934 was reported by the Committee on May 24, 1988, and passed the Senate on June 7. During its consideration of the measure, the House incorporated only minor technical amendments, which the Senate accepted. The bill was signed into law on October 7, becoming Public Law 100-480.

Public Buildings Amendments of 1988.—In 1988 the Committee reported legislation effecting several modest reforms in the General Services Administration's public buildings program. S. 2186, which passed in the final days of the 100th Congress, raised the cost level at which GSA must secure congressional approval of prospectuses; limited the amount which may be spent by the agency for alterations to leased space; provided GSA the authority to allow local enforcement authorities to protect certain Federal properties, in order to save taxpayer dollars and promote efficiency; and stipulated that buildings to be constructed or altered by the Federal

Government comply, to the extent feasible, with nationally recognized building codes and local zoning laws. Hearings were held by the Subcommittee on March 3, 1988. S. 2186 passed the Senate on May 18 and was signed into law (Public Law 100–678) on November 17, 1988.

Red Cross Building Legislation.—In 1988 the Committee reported legislation to allow the Washington, D.C. Chapter of the American National Red Cross to demolish its building, located on Government land at 2025 E Street, NW., and construct a larger, more modern facility on the same site. The legislation was necessary because the original statute authorizing the Red Cross to use the land stated that the charity could do so only as long as it occupied its original building. The new building will be constructed by the Red Cross entirely at its own expense. Space in the new structure not immediately needed by the Red Cross will be made available to Federal agencies to lease at below market rates, reflecting the value of the land. Senator Robert Stafford introduced this bill, S. 2496, on June 10, 1988. It passed both Houses and was signed by the President on November 8, 1988, becoming Public Law 100–637.

General Accounting Office Study.—The Subcommittee is concerned that GSA's leasing budget is too high, and the agency has warned that rental costs will increase at an accelerated pace over the next few years, as old leases come up for renewal. The Subcommittee has repeatedly urged the agency to increase the ratio of owned to leased space in order to cut down on costs. However, due to the serious budget crisis, it is difficult to acquire buildings by the traditional method of direct Federal construction. For this reason the agency and the Congress are exploring new financing techniques, such as lease-purchase, for acquiring Government buildings. In addition, in 1983 the Building Purchase Program was begun to enable the Federal Government to purchase office buildings outright. By December 1988, 13 buildings had been acquired under this program, in cities such as Denver, Dallas, Houston, Las Vegas, Atlanta, and the suburbs of Washington, D.C. This program has allowed GSA to meet Federal office space needs for years to come in some cities; several excellent purchases have been made in areas with depressed or slow real estate markets. However, concerns have been raised that such buildings, designed for and by the private sector, are inferior to those built to Government specifications.

In 1987 the Committee on Environment and Public Works and the Senate Committee on Appropriations asked the General Accounting Office (GAO) to undertake a study of the General Services Administration's anticipated increased lease costs, to assess the accuracy of the projections. The Committees asked GAO to determine how GSA has employed its estimations of future leasing costs in decisions to implement new financing techniques in specific localities. GAO was also requested to assess whether GSA's analytical and management resources are adequate to evaluate the pros and cons of alternative financing proposals, such as funding through municipal bonds and lease-purchase. In regard to the agency's Building Purchase Program, GAO was asked whether any controls exist to assure that buildings considered for purchase meet the needs of Federal agencies for quality space. Finally, GAO was requested to

determine under what conditions it is more economical or practical for the Government to lease office space, rather than own it. The Subcommittee looks forward to having the results of GAO's exhaustive study, which remained ongoing at the end of 1988.

WATER RESOURCES

Water Resources Development Act of 1988

During the 100th Congress, the Subcommittee on Water Resources, Transportation, and Infrastructure held two days of hearings on water resources projects and policy, on March 16 and 17, 1988.

On the basis of those hearings the Committee on Environment and Public Works reported S. 2100, the Water Resources Development Act of 1988 on April 11, 1988. The bill was passed in the Senate on April 26, 1988 by unanimous consent and agreement on a conference report was reached with the House of Representatives on October 20, 1988. The President signed S. 2100 into law (Public Law 100–676) on November 17, 1988, two years to the day after signing the 1986 Water Resources Act.

The 1988 Act authorized 16 Corps of Engineers projects for construction having a total estimated cost of $2 billion. All of these projects had completed planning by the Corps of Engineers and had been reviewed by the Chief of Engineers. The Act also authorized a small number of modifications to existing project authorities and made a number of minor technical corrections to the 1986 Water Resources Development Act. No changes were made to the cost sharing and user fee authorities authorized in 1986.

Enactment of Public Law 100–676 signals a return to the practice of passing a water resources authorization bill in each Congress, a practice which was interrupted by the 10-year hiatus in authorizing legislation which preceded passage of the 1986 Water Resources Development Act.

Bank Stabilization Legislation

On February 11, 1987, the Subcommittee held a hearing in Bismarck, North Dakota, on water resources problems in North Dakota. A major portion of the testimony was directed toward the serious bank erosion problems on the Uppper Missouri River. Subsequent to that hearing, Chairman Quentin Burdick asked the General Accounting Office to report on the cause of and possible remedies for this problem. In March of 1988, the GAO issued a report stating that construction of a number of mainstem dams by the Army Corps of Engineers many years ago categorically changed the nature of erosion downstream. Senator Burdick introduced S. 2158, legislation authorizing the Corps to construct erosion control measures on the Missouri River, the costs of such work to be allocated to the various purposes of the dams. That measure was enacted as a part of S. 2100, the Water Resources Development Act of 1988.

DISASTER RELIEF

On October 21, 1988, the Senate passed H.R. 2707, the Disaster Relief and Emergency Assistance Amendments of 1988. The House

of Representatives approved the measure the same day, and it became Public Law 100-707 on November 23, 1988.

This legislation constitutes the first time on Disaster Relief Act has been amended since its enactment in 1974. The Committee on Environment and Public Works had approved similar measures during the 97th, 98th, and 99th Congresses, and they had passed the Senate in the form of free-standing bills and amendments to other legislation six times, but the House of Representatives did not act on these measures.

In the 100th Congress, a comprehensive disaster relief amendment bill was introduced on the House side in June, 1987. It was passed by the House of March 17 of this year. After extensive negotations, agreement was reached by the Senate and House Committees on a package which contained needed reforms while remaining budget-neutral, which was a prerequisite to Administration approval.

Under the Disaster Relief Act of 1974, the Federal Emergency Management Agency (FEMA) coordinates the Federal Government's response to all civil disasters and emergencies, whether natural or man-made in origin.

Public Law 100-107 establishes, for the first time, a clear distinction between natural and man-made disasters and emergencies and provides separate authorities for Presidential use in declaring disasters and emergencies.

The legislation incorporates into law the requirement that non-Federal entities share the cost of both disaster and emergency assistance at the minimum rate of 75 percent Federal and up to 25 percent non-Federal. This codifies FEMA policy which has been in effect since 1980, and will prevent any administrative effort to increase the non-Federal share, which was attempted in 1986.

Should a non-Federal entity be unable to assume its responsibility for cost sharing, Public Law 100-707 authorizes the President to lend or advance the required amount, but only under tightly defined conditions.

This legislation also contains a provision which codifies existing FEMA practice of providing Federal assistance for expenses incurred by local governments in anticipation of and immediately preceding a disaster. Such activities would include, but not be limited to, issuance of warnings, public health and safety information, mobilization of emergency resources, and construction or preparation of temporary hazard reduction facilities which might reduce or eliminate damages from an impending disaster. Measures which are not eligible under this provision are those of a long term or permanent nature or those which have been previously authorized under local, state, or federal statute or authority.

Under this legislation, the use of sliding scales in determining assistance under the Disaster Relief Act is limited. The intent of this language is not to preclude the use of arithmetic formulas or sliding scales to assist in determining which geographic areas should receive assistance, but to assure that such formulas or scales would not be the sole basis for such determination. Other factors should be taken into account as well, such as disasters in the current or previous fiscal year for which a Governor has declared a state of emergency; hazard mitigation efforts undertaken State or local gov-

ernments; significant loss of tax base; imminent threat to public health and safety; extent and type of insurance available; assistance available from other federal programs; and impact of damages on affected individuals as well as States and local governments.

Other provisions of Public Law 100–707 increase Federal matching grants for State preparedness planning from $25,000 to $50,000 annually, deny Federal disaster assistance for the repair or replacement of public facilities not covered by available flood insurance, and give greater flexibility to State and local government in choosing the type of facility which would be replaced following a disaster.

Public Law 100–707 also contains a provision directing the Secretary of the Interior to update and prepare maps of unprotected, undeveloped Great Lakes coastal barrier areas and recommend to Congress the inclusion of appropriate coastal units in the Coastal Barriers Resources System.

GROUND WATER

On September 30, 1988, the Committee on Environment and Public Works reported H.R. 791, the Ground Water Research, Management and Education Act of 1988. This bill was a product of three bills introduced earlier in the session by Committee Members, and was the Senate counterpart to H.R. 791, referred to this Committee after passage in the House. The bill had three main objectives:

It established an Interagency Ground Water Task Force in the Office of the President to coordinate the Federal agencies' research, to identify gaps in research, and to consult with State and local governments regarding information which States require to manage ground water resources.

It authorized research programs and studies at the Environmental Protection Agency, the U.S. Geological Survey, and the Department of Agriculture which the Committee believed essential to advance the understanding of ground water contamination and of control technologies for ground water pollution.

It provided for a 50 percent Federal-State matching grant program to assist States in ground water management. The grants would be used by the States for planning, mapping, identification and control of sources and for research, monitoring, enforcement, and education.

H.R. 791 was reported by the Committee unanimously on September 22, 1988, and was passed by the Senate on October 7, 1988. The House and Senate did not hold a conference before adjournment, and the bill died.

HEARINGS

During the 100th Congress, the Subcommittee on Water Resources, Transportation and Infrastructure held 27 days of hearings as follows:

On February 11, 1987, a field hearing in Bismarck, North Dakota, on streambank erosion on the Missouri River and other water resources problems in North Dakota.

On February 12, 1987, a field hearing in New York City on the transfer of the U.S. Custom House in New York City to the Museum of the American Indian.

On March 16, 1987, a field hearing in Jamaica, New York on construction delays at the Social Security Building in Jamaica.

On April 28, 1987, to review the policies the Department of Transportation follows in communicating with Congress, and to discuss the comparative analyses which the department prepared and distributed during consideration of the Conference Report on H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

On May 1, 1987, on the proposed International Cultural and Trade Center on the Federal Triangle in Washington, D.C.

On May 4, 1987, a field hearing in Amsterdam, New York on the collapse of the New York State Thruway Bridge over the Schoharie Creek.

On June 17, 1987, on proposed legislation authorizing funds for programs of the General Services Administration.

On July 16, 1987, in New York City on the transfer of the U.S. Custom House in New York to the Museum of the American Indian.

On July 22, 1987, to review the infrastructure issues facing the United States.

On October 6, 1987, continued hearings to review the Nation's infrastructure needs, focusing on financing, research and development, maintenance, cost sharing, and competitiveness.

On October 21, 1987, continued hearings to review the Nation's infrastructure needs, focusing on research, development, and innovation within the public and private infrastructure sector of the economy.

On October 26, 1987, a joint hearing with the Subcommittee on Environmental Protection in Mamaroneck, New York, on water resources problems on Long Island Sound.

On October 27, 1987, on pending Soil Conservation Service watershed projects.

On November 4, 1987, resumed hearings to review the Nation's infrastructure needs.

On November 30, 1987, a joint hearing with the House Subcommittee on Natural Resources, Agriculture Research and Environment in Mineola, New York on ground water resources and management on Long Island.

On January 21, 1988, continued hearings to review the Nation's infrastructure needs, focusing on regional transit infrastructure and the potential of magnetic levitation technology for intercity transportation.

On February 3, 1988, on S. 1934, authorizing construction and leasing of a proposed building to house agencies of the Judical Branch.

On February 23, 1988, a joint hearing with the Subcommittee on Hazardous Waste and Toxic Substances on S. 20, S. 1105, and H.R. 791, bills to provide for the protection of ground water through State Standards planning and research activities.

On February 23, 1988, to review certain speed limit issues.

On February 26, 1988, on the use of Interstate Highway System right-of-way for magnetic levitation highs speed transportation systems.

On March 3, 1988, on proposals to improve the efficiency and effectiveness of management of public buildings.

On March 16, 1988, on S. 2100 and S. 2101, to authorize programs for the conservation and development of water resources projects of the U.S. Army Corps of Engineers.

On March 17, 1988, continued hearings on S. 2100 and S. 2101, to provide for the conservatior and development of water resources projects.

On March 24, 1988, resumed joint hearings with the Subcommittee on Hazardous Wastes and Toxic Substances on S. 20, S. 1105, and H.R. 791, bills to provide for the protection of the Nation's ground water resources.

On May 17, 1988, continued joint hearings with the Subcommittee on Hazardous Wastes and Toxic Substances to review State programs for ground water protection.

On June 8, 1988, to examine the response of the Federal Emergency Management Agency to the State of Nevada's request for a disaster declaration in the wake of the fuel plant explosion in Henderson, Nevada.

On September 28, 1988, on the use of Federal highway rights-of-way for development of magnetic levitation transportation systems.

Subcommittee on Superfund and Environmental Oversight

The Subcommittee on Superfund and Environmental Oversight, chaired by Senator Frank R. Lautenberg with Senator John W. Warner as ranking minority member, conducted extensive oversight into the Environmental Protection Agency's implementation of the Superfund program which was established by the Comprehensive Emergency Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA). Superfund was established to clean up those numerous sites contaminated with hazardous substances which exist throughout the Nation. In addition to its investigations into the program, which continue, the Subcommittee held five Superfund oversight hearings.

The Subcommittee also conducted investigations and held oversight hearings on the Community Right to Know program, established by SARA, and on the issue of Federal facility compliance with the cleanup requirements of SARA.

In addition, the Subcommittee investigated the disposal of highly toxic polychlorinaed biphenyls (PCBs) by the Texas Eastern Gas Pipeline Company in fourteen States and the performance of the Environmental Protection Agency in this matter. A hearing was held and a major report issued which detailed the Subcommittee's findings.

SUPERFUND PROGRAM

The Subcommittee's oversignt of the Superfund program was far ranging. Among the issues it tracked were: State/EPA cooperative contractor performance; Superfund personnel turnover and train-

ing; cleanup standards; selection of cleanup remedies; enforcement issues; and length of the process, itself.

On April 14, 1987, the Subcommittee held a field hearing in Newark, New Jersey. The purpose of the hearing was to develop a comparative assessment of the implementation of Superfund by the Environmental Protection Agency and by the State of New Jersey. It was determined that New Jersey required more time than EPA to complete Superfund studies, largely due to differences between state and federal procurement procedures.

The Subcommittee held its first hearing in Washington, D.C. on April 29, 1987. EPA Administrator Lee M. Thomas and EPA Inspector General John C. Martin were the principal witnesses. This hearing focussed on State/EPA Superfund Cooperative Agreements; excessive charges by EPA removal contractors; and recovery of costs of cleanup expended from the Fund from potentially responsible parties. Among the results noted as a consequence of this hearing and continued oversight of these areas was substantially increased cost recovery efforts and reimbursement to the Fund. Increased cooperation between the Superfund program staff and the administrative side of the Environmental Protection Agency has also occurred as a direct result of the April 29, 1987 hearing.

On June 24, 1987 the Subcommittee heard testimony from EPA officials and others with regard to the Agency's failure to implement the cleanup standards provisions of the statute which were enacted as part of the 1986 amendments. Of significant importance was a finding that EPA Superfund cleanup decisions across the country levels were the exception rather than the rule. Permanent treatment of contaiminated substances on-site, a preference of the Congress as expressed in the statute and in the SARA Conference Report, also appeared to be the exception rather than the rule. The June 25, 1987 hearing spawned other congressional hearings and two major reports. The Congressional Office of Technology Assessment issued a report entitled "Are We Cleaning Up? Ten Superfund Case Studies". A consortium of environmental groups and as association representing those who treat hazardous wastes did another report entitled "Right Train: Wrong Track". Both reports confirmed the Subcommittee's findings with regard to the lack of consistency in EPA cleanup decisions and the failure to prefer permanent treatment of wastes at Superfund sites.

The Subcommittee held a hearing on Superfund manpower on July 23, 1987. The General Accounting Office presented the findings of its draft Superfund manpower report. EPA officials also appeared to discuss the high turnover rate of legal and program staff. Serious Superfund manpower problems were uncovered despite Agency protestations that they were diminishing. The Subcommittee continued to press its investigation into these problems.

On December 10, 1987 the Subcommittee held a hearing concerning EPA's failure to aggressively use CERCLA's tough enforcement provisions. Of particular concern was that the Agency rarely used its authority to issue unilateral orders to compel responsible parties to clean up sites. Their failure to do so without good cause, in the face of a unilateral order under section 106 of CERCLA, sets up a situation in which the government can litigate for treble damages plus the cost of cleanup (or reimbursement of cleanup costs to

the Fund). It is believed by many observers of the Superfund program that a willingness by the Agency to use these strong enforcement measures would send a strong message to those potentially responsible parties who might otherwise seek to avoid their civic and legal responsibilities. It is thought that the pace of the program would accelerate if EPA were to apply the full force of the law wherever appropriate.

The December 10, 1987 hearing was also directed to delays and inefficiencies in the program. It was established that it can take, on average, two years from the time of discovery before a site might be listed on the Superfund National Priorities List. It can require in excess of two years of study before a solution at a site can be designed. Construction of the solution, or site cleanup, can take upwards of four years, on average.

The investigations led the Subcommittee to develop and present to EPA at the December 10 hearing, sixteen recommendations, the implementation of which, it was believed, would significantly improve program performance. EPA has taken those recommendations seriously and has already implemented most of them. Superfund staff have developed a comprehensive manpower training and retention program which, if successful, can be used Agency-wide. There are other indications that these recommendations, when fully implemented, will have a significant positive impact on Superfund. It is important to note that the Subcommittee's enforcement work was a model which others followed and confirmed. All indications are that the Environmental Protection Agency has begun to respond seriously to the Subcommittee's insistence that Superfund enforcement be improved.

TEXAS EASTERN GAS PIPELINE INVESTIGATION

The Subcommittee learned that the Texas Eastern Gas Pipeline Company of Houston, Texas may have illegally dumped Polychlorinated Biphenyls (PCBs) at compressor stations in 14 States. Most troubling was a finding that EPA knew about this situation for 18 months before it was made public. During that time the Agency did not tell the potentially affected public officials, States, localities, or the Congress about this matter. For approximately 10 months, the program office of EPA did not tell the Agency's enforcement attorneys, either. The investigation culminated in a report issued by the Subcommittee in February, 1988, entitled "Implementation of the Toxic Substances Control Act, the PCB Rule, and Federal Hazardous Substance Laws."

The Subcommittee found that due to increased workload and decreases in personnel and monetary resources, EPA's program office merely relied on Texas Eastern Gas Pipeline's goodwill when it accepted company reports without reviewing them. The company apparently reported the removal of PCB contaminated condensate from its pipeline but did not report the disposition of the contaminated liquids. It appears that most of such liquids were disposed of in scrubber pits on the grounds of the company's pipeline compressor stations. Had the EPA staff reviewed the reports it is probable that a mass balance of condensate reported to have been with-

drawn from the pipeline compared to that reported to have been disposed of would have alerted them to the problem.

The Subcommittee was also able to assess the damage done to EPA's enforcement program as a result of a 1981–1982 reorganization of the Office of Enforcement. That reorganization was intended to separate the enforcement attorneys from their technical support staff. EPA's Administrator at that time believed that EPA was "lawyer-led" and that separating the technical staff would improve the situation. Based on the Subcommittee's findings, the result was indecision, where program staff were reluctant to give up their authority to the enforcement attorneys. Without the program staff (formerly the Office of Enforcement technical staff), attorneys had difficulty in bringing cases in a timely fashion. Among the Subcommittee's recommendations was that EPA reorganize its current enforcement office along the lines of the pre-1981 Office of Enforcement, in which attorneys and technical staff worked in partnership to enforce the nation's environmental laws.

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW

The Subcommittee conducted investigations and held an oversight hearing on May 26, 1988 on the implementation of the Emergency Planning and Community Right to Know Act, enacted as title III of SARA. This was the first congressional oversight hearing ever held on title III, which requires both the development of a nationwide State and local emergency planning infrastructure and the disclosure of emissions information by regulated facilities. Following several months of investigation, the Subcommittee held an oversight hearing, and the Chairman of the Subcommittee released a comprehensive plan entitled "A Twenty Point Plan for Improved Implementation of Title III." The plan included recommendations intended to enhance the Federal Role in emergency planning as well as the use and collection of emissions data.

FEDERAL FACILITIES HAZARDOUS WASTE COMPLIANCE

The Subcommittee also held hearings on Federal facility compliance with national hazardous waste laws. Witnesses representing the Department of Energy, the Army, the Navy, the Air Force, and the Department of Defense were asked to provide the status of cleanup efforts across the country. The Subcommittee took a special look at the Picatinny Arsenal installation in New Jersey, which had been identified as being in significant noncompliance with the Resource Conservation and Recovery Act (RCRA), and which had been the subject of protracted negotiations between EPA and the Army on an agreement to bring the installation into compliance with the law. Within two weeks of the hearing, the Army signed a compliance agreement with EPA.

HUD'S RADON PROGRAM

In April, 1987, the Subcommittee on Superfund and Environmental Oversight requested the General Accounting Office to review the efforts of Federal housing agencies to address radon contamination in federally assisted housing. In April, 1988, the GAO released its report, entitled "Indoor Radon: Limited Federal Response to

Reduce Contamination in Housing", which concluded that the agencies, including the Department of Housing and Urban Development, did not have policies to address radon. The Subcommittee held a hearing on May 18, 1988, which focused on the GAO report and the failure of HUD to develop a radon policy. As a result of this hearing, the Subcommittee chairman introduced S. 2844, which required HUD to develop a radon policy and to enter into an agreement with EPA establishing each agency's role in the Federal radon effort. Portions of this legislation were included in the McKinney Homeless bill which became Public Law 100-628 on November 7, 1988.

HEARINGS

During the 100th Congress the Subcommittee on Superfund and Environmental Oversight held 9 days of hearings as follows:

March 17, 1987, to examine issues surrounding the dumping of PCBs by the Texas Eastern Gas Pipeline Company, and to explore the scope of environmental and health risks posed by PCB disposal.

April 29, 1987, an oversight hearing into the implementation of the Superfund Program.

On June 25, 1987, held hearings to review the implementation of the Superfund program by the Environmental Protection Agency, focusing on the development of the cleanup standards policy under section 121 of the Superfund Amendments and Reauthorization Act.

On July 23, 1987, to review the implementation of the Superfund Program, focusing on manpower and program delay issues.

On December 10, 1987, to examine the questions of delays and inefficiencies in the Superfund program.

On May 18, 1988, to review the General Accounting Office report on indoor radon and the Federal Government response to reduce contamination in housing.

On May 26, 1988, on the implementation of the Emergency Planning and Community Right to Know Act.

On August 4, 1988, oversight on Federal facility compliance with hazardous waste laws.

On April 14, 1988, a field hearing in Newark, New Jersey on Superfund Implementation.

SUBCOMMITTEE ON NUCLEAR REGULATION

Under the leadership of Subcommittee Chairman Senator John B. Breaux and ranking minority member Senator Alan K. Simpson, the Subcommittee on Nuclear Regulation acted on a number of nuclear issues in the 100th Congress. Legislative initiatives included a bill to reauthorize the Price-Anderson Act, legislation to redirect the Nation's high-level radioactive waste disposal program, and a bill to reorganize the structure and functions of the Nuclear Regulatory Commission. The Subcommittee focused on additional issues in oversight hearings, including an extensive investigation into the regulatory performance of the Nuclear Regulatory Commission.

PRICE-ANDERSON ACT AMENDMENTS

The Subcommittee resumed efforts begun in the 99th Congress to extend the reauthorization of the Price-Anderson Act, which governs compensation and liability in the event of a nuclear accident arising at commercial nuclear facilities of from activities of Department of Energy (DOE) contractors involving nuclear materials.

On July 24, 1987, the Subcommittee reported to the Full Committee a bill to reauthorize and extend the Act. On August 4, 1987, the Committee ordered reported an original bill, S. 1865, to reauthorize and extend the Act. Subsequently, both the Senate and House passed H.R. 1414, the Price-Anderson Amendments Act of 1988, which was signed by the President on August 20, 1988, becoming Public Law 100-408.

This legislation increases from $5 million to $63 million, but by no more than $10 million in any one year, the amount of the maximum retrospective premium to be paid by each Nuclear Regulatory Commission (NRC) licensee with rated capacity of 100,000 electrical kilowatts or more in the event of an accident at a commercial nuclear powerplant for which public liability exceed the amount of private insurance available. Accordingly, the legislation increases from approximately $720 million to over $7 billion the amount of funds available to compensate persons suffering damages as a result of an accident at a commercial nuclear powerplant.

The bill raises the limit on liability and the corresponding amount of Federal indemnity for activities of Department of Energy (DOE) contractors involving the risk of a nuclear incident to match the level of liability and compensation that would be provided for accidents at commercial facilities. Additionally, the bill explicitly includes DOE's activities in the high-level waste program within the scope of the coverage for DOE activities. The Nuclear Waste Fund established in the Nuclear Waste Policy Act of 1982 is to be the source of compensation for accidents involving nuclear waste that arise from DOE activities funded by the Nuclear Waste Fund.

The legislation indexes the level of the maximum retrospective premium and the corresponding limits on liability and indemnity for DOE contractor activities to reflect the effects of inflation. It extends for 15 years the authority of NRC and DOE to enter into new indemnity agreements under the Act.

The bill also authorizes the NRC to borrow funds from the Treasury to pay claims for public liability in the event that claims emerge at a rate greater than the rate of funds available from retrospective premiums, provided that such funds be repaid from the remaining balance of retrospective premiums. The new legislation requires the President to submit a compensation plan in the event public liability may exceed the applicable limit on aggregate liability and provides for the consideration of such a plan under expedited procedures. It establishes a Presidential Commission on Catastrophic Nuclear Accidents to study means of fully compensating victims of a nuclear accident for which damages exceed the limit on aggregate liability.

The minimum statute of limitations is extended to three years from the date of discovery of injury arising from the incident. Puni-

tive damages are prohibited against any person indemnified by the United States. The bill authorizes the imposition of civil and criminal penalties for violations of DOE safety rules, regulations, or orders. It also establishes a negotiated rulemaking procedure for NRC to determine whether to extend indemnification to manufacturers of radiopharmaceuticals.

NUCLEAR WASTE POLICY AMENDMENTS

The Committee included provisions to amend the Nuclear Waste Policy Act of 1982 and redirect the high-level nuclear waste program as part of the legislation reported to the Committee on the Budget in order to comply with the instructions for reconciliation under H. Con. Res. 93, the Concurrent Resolution on the Budget for fiscal year 1988.

Subsequently, legislation redirecting the nuclear waste program was adopted as title V of Public Law 100–203, the Omnibus Budget Reconciliation Act of 1987. This legislation was developed after extensive negotiations among the five committees in the House and Senate with jurisdiction over the nuclear waste program.

The Nuclear Waste Policy Amendments Act of 1987 directs the Secretary of Energy to characterize the Yucca Mountain, Nevada site and to cease all work at the other two candidate repository sites at Hanford, Washington, and Deaf Smith County, Texas. The Act also directs DOE to terminate the search for a second repository.

The bill authorizes the construction of a monitored retrievable storage facility (MRS), but subject to several conditions limiting the capacity of the MRS and linking the construction and operation of the MRS to the construction and operation of the repository. These conditions are intended to assure that the MRS serves as an integral part of the permanent disposal program and does not end up as a "de facto" permanent repository.

Additionally, the bill revokes the selection of Oak Ridge, Tennessee, as the site for the MRS. It creates a Monitored Retrievable Storage Commission to study the need for an MRS facility. Upon the completion of the Commission's report, DOE is directed to survey potential sites for the MRS and to select an appropriate site.

The legislation authorizes DOE to enter into agreements with the State of Nevada and the State or Indian tribe in which the MRS may be located providing for specific monetary benefits, as provided in the Act, to such State or Indian tribe, as appropriate.

The Act also establishes an Office of Nuclear Waste Negotiator to provide for a negotiator to search for a suitable State or Indian tribe willing to enter into an agreement to host a permanent repository or MRS.

The bill creates a Nuclear Waste Technical Review Board to evaluate the scientific and technical validity of the activities undertaken by DOE.

NRC AUTHORIZATION AND REORGANIZATION

In early 1987 it was revealed that in 1985 the Office of Investigations (OI) had discovered a document concerning a potential inves-

tigation into an NRC licensee in the files of that licensee, with indications that the document had originated in the office of Commissioner Roberts. A memorandum attached to this document stated that the licensee had "sources" inside the agency that the licensee should protect. Furthermore, the Subcommittee also learned that the NRC's Office of Inspector and Auditor, whose mission includes the investigation of wrongdoing within the agency, was not called upon to investigate this matter, and that the source of the document within the agency was never discovered.

This incident and others led to various allegations that the NRC was not adequately and independently regulating the commercial nuclear power industry. The Subcommittee decided that these allegations and the specific instances cited in support thereof were sufficiently serious to warrant a special investigation by the Subcommittee. With the concurrence of the Committee and the assistance of personnel detailed from the General Accounting Office, the Subcommittee conducted this investigation from June, 1987 until May, 1988. The Subcommittee's conclusions from this investigation were partially responsible for many of the Subcommittee's legislative recommendations for organizational changes within the NRC.

The Subcommittee also examined the structure of the NRC in various hearings conducted during 1987. In March, 1988, the Subcommittee ordered reported to the Committee legislation to reauthorize the NRC and to reorganize the agency's structure. In May, 1988, the Committee reported S. 2443, a bill to authorize the NRC for fiscal years 1988 and 1989 and to reorganize the functions of the NRC. The Committee included the findings from the Subcommittee's investigation as an appendix to the report on the bill. In the Senate, the text of S. 2443 was substituted for the text of H.R. 1315, and was passed on August 8, 1988.

A conference agreement was not reached on H.R. 1315 prior to the end of the 100th Congress.

H.R. 1315 would have authorized the full amounts requested by the Commission—$427,800,000 for fiscal year 1988 and $450,000,000 for fiscal year 1989.

With regard to NRC reorganization, the bill would have established a new agency within the Executive Branch, the Nuclear Safety Agency (NSA), to oversee the functions of the NRC. The new agency would have been headed by a single administrator, appointed by the President and confirmed by the Senate, who would serve at the pleasure of the President. The bill established procedures for any review by the Office of Management and Budget of Agency regulations, including the preservation of Agency substantive authority.

The bill also would have created an Office of Inspector General within the new agency, by adding the NSA to the list of agencies covered by the Inspector General Act of 1978. It also created a statutory Office of Investigations within the NSA, and delineated its responsibilities to investigate wrongdoing by agency licensees.

The legislation established an independent Nuclear Reactor Safety Investigations Board within the NSA to investigate significant safety events. This Board was structured and, for significant safety events, would have performed functions similar to those of

the National Transportation Safety Board for events within its jurisdiction.

In other provisions, H.R. 1315 required companies to notify the NRC of any defects in parts, equipment, and other components for nuclear power plants that could create a safety hazard. It would have permitted NRC to withhold generic safeguards information regarding security plans at nuclear plants. The bill clarified that Department of Energy facilities used for the storage of greater-than-Class C nuclear waste must be licensed by the NRC. It also required the Agency to establish a program for testing of those persons employed at nuclear power plants who are responsible for safety-sensitive functions for the unlawful use of alcohol or controlled substances. Required elements of such programs were specified in the legislation.

HEARINGS

The Subcommittee held 12 hearings in the 100th Congress, as follows:

On April 23, 1987, on the implementation of the Nuclear Waste Policy Act of 1982.

On April 30, 1987, on S. 44 and S. 843, bills to revise and extend certain provisions of the Atomic Energy Act of 1954 with respect to liability for nuclear accidents (Price-Anderson Act).

On May 6, 1987, on issues concerning the authorization for the Nuclear Regulatory Commission for fiscal years 1988 and 1989 and on other NRC oversight matters.

On May 7, 1987, concerning emergency planning and preparedness and received testimony from Commissioner Roberts concerning the release of an investigatory document to a licensee under investigation.

On May 14, 1987, on Shoreham Nuclear Powerplant licensing issues.

On June 2, 1987, an oversight hearing on the Department of Energy's implementation of the nuclear waste repository program.

On June 3, 1987, oversight hearing on the transportation of radioactive materials and received testimony from Commissioner Roberts concerning the release of an investigatory document.

On June 18, 1987, on the Department of Energy's proposal to construct a monitored retrievable storage facility for spent nuclear fuel.

On October 8, 1987, two oversight hearings on the investigatory functions within the Nuclear Regulatory Commission.

On October 30, 1987, an oversight hearing on the relationship between the Nuclear Regulatory Commission and its licensees.

On October 29, 1987, on S. 14, S. 100, S. 1769, and S. 1770, proposals to reorganize the Nuclear Regulatory Commission.

On December 9, 1987, on the Report of the South States Energy Board's Advisory Committee on the Tennessee Valley Authority.

BUSINESS MEETINGS

The Subcommittee on Nuclear Regulation held two markup sessions during the 100th Congress. On July 24, 1987, the Subcommittee considered and reported to the full committee a bill to amend

the Atomic Energy Act of 1954 to extend and improve the procedures governing compensation and liability in the event of a nuclear accident (the Price-Anderson Act). On February 22, 1988 the Subcommittee considered and reported to the full committee a bill to authorize the activities of the Nuclear Regulatory Commission for fiscal years 1988 and 1989 and to reorganize the functions of the Nuclear Regulatory Commission.

Subcommittee on Hazardous Wastes and Toxic Substances

Under the leadership of Subcommittee chairman Max Baucus and ranking minority member Dave Durenberger, the Subcommittee on Hazardous Wastes and Toxic Substances undertook a wide range of legislative and oversight activities involving the disposal of hazardous wastes and toxic substances, the build-up of global atmospheric pollutants, and review of the National Environmental Policy Act.

GLOBAL ATMOSPHERIC CONTAMINANTS

A major oversight emphasis of the Subcommittee on Hazardous Wastes and Toxic Substances in concert with the Subcommittee on Environmental Protection focused on global atmospheric contaminants.

The two subcommittees devoted six days of joint hearings to various issues regarding protection of the earth's stratospheric ozone layer. Ozone (triatomic oxygen) is a critical component of the earth's stratosphere that absorbs much of the sun's destructive ultraviolet radiation. If the amount of stratospheric ozone were to diminish significantly, the higher levels of ultraviolet radiation reaching the earth's surface would cause harm to human health and the environment.

The joint hearings focused on: the condition of the stratospheric ozone layer, depletion of stratospheric ozone molecules by commonly used industrial chemicals known as chlorofluorocarbons (CFSs) and halons, the health effects of ozone depletion, the development of safe chemical substitutes for CFCs and halons, and assessed existing Federal and international efforts to address this growing environmental problem.

As a result of the joint Subcommittee hearings and hearings by other Senate Committees, three significant measures concerning stratospheric ozone depletion (S. Res. 226, S. Res. 312, and S. Res 426) were enacted during the 100th Congress. In addition to their activities regarding stratospheric ozone depletion, the two Subcommittees added to their lengthy record regarding the related issues of global climate change and the greenhouse effect. In three days of joint hearings, the subcommittees examined the effects of carbon dioxide emissions and other greenhouse gasses on the atmosphere and the environmental consequences of global warming.

RESOURCE CONSERVATION AND RECOVERY ACT

Despite decades of effort at the local, State and Federal levels, America faces a mounting dilemma concerning the safe disposal of its waste. Landfill capacity in many areas of the country is declining precipitously. Questions about waste disposal capacity, health

and environmental risks and search for effective disposal alternatives dominate the public debate concerning waste disposal. Confronted with the impending expiration of the Resource Conservation and Recovery Act in August, 1988, the Subcommittee devoted a great deal effort to the oversight of solid and hazardous waste treatment, storage and disposal.

The Subcommittee held 11 days of hearings on RCRA oversight in anticipation of reauthorizing the Act during the 101st Congress. Most of the hearings concerned solid and harzardous waste disposal problems and deficiencies with the existing Act. The related issues of incineration, waste reduction and recycling were also addressed. Three days of joint hearings with the Subcommittee on Water Resources, Transportation and Infrastructure focused on ground water contamination issues.

Based on the hearing record, Senators Baucus and Durenburger on September 9, 1989 introduced S. 2773, the Waste Minimization and Control Act of 1988 to amend the Solid Waste Disposal Act and extend the authorization through 1992. Two days of hearings concerning the legislation were conducted in late September. Similar legislation will be the basis of Committee deliberations regarding RCRA during the 101st Congress.

Due to growing concerns regarding the existing program regulating the safe disposal of polychlorinated biphenyls (PCBs) under the Toxic Substances Control Act (TSCA), the Subcommittee Chairman and the Ranking Minority member introduced S. 2693. This legislation would have made changes in the current disposal program and after three years would have transferred authority for PCB disposal for TSCA to RCRA. In addition, the bill would have required PCB waste to be accompanied by manifests that would allow regulators to track the waste from the owner to final disposal. S. 2693 was considered by the Subcommittee and the full Committee commenced markup but failed to complete action prior to adjounment.

NATIONAL ENVIRONMENTAL POLICY ACT

The Subcommittee held three days of hearings on implementation of the National Environmental Policy Act (NEPA) under the direction of the Council on Environmental Quality. Among other issues, the hearings focused on the environmental effects associated with the allocation of airspace for military and civil aircraft and the environmental impacts which result from loans made to developing countries by multilateral development banks. The full Committee reported S. 1792, legislation to authorize the Office of Environmental Quality through fiscal year 1989. In addition, S. 1792 clarified the application of NEPA to U.S. Government activities abroad. The legislation also allowed state water quality permit procedures to be incorporated into FERC hydro power licenses. The Committee also reported S. 2753, a bill to amend the National Environmental Policy Act to require the United States to actively promote development of environmental assessments on loans considered by international financial institutions. S. 1792 passed the Senate but legislative consideration was not completed before adjournment. No further action was taken on S. 2753 after being reported by the Committee.

TOXIC SUBSTANCES

The Subcommittee conducted three days of hearings on toxic issues relating to toxic substances. Two days of hearings dealt with the problems posed by asbestos in schools and public buildings. The Committee reported legislation, S. 2024, to extend the deadline for schools to complete inspection and management plans designed to address the handling of asbestos-containing building materials in schools. A companion measure, H.R. 3893 was enacted and became Public Law 100–368 on July 18, 1988. The Subcommittee also held hearings regarding the release of genetically altered substances into the environment. S. 2909 establishing a program to regulate genetically altered substances was introduced in response to these hearings. No action on S. 2909 was taken prior to the adjournment of the 100th Congress.

HEARINGS

During the 100th Congress the Subcommittee on Hazardous Wastes and Toxic Substances held 27 days of hearings as follows:

On January 20, 1987, a joint hearing with the Subcommittee on Environmental Protection to consider the global environmental problems of depletion of the Earth's stratospheric ozone layer and the Greenhouse Effect.

On April 14, 1987, a field hearing in Bozeman, Montana, on alternative technologies to treat hazardous wastes.

On May 12, 1987, together with the Subcommittee on Environmental Protection began a series of joint hearings on the science of stratospheric ozone depletion.

On May 13, 1987, the two Subcommittees continued hearings on the health and welfare effects resulting from depletion of the Earth's stratospheric ozone layer.

On May 14, 1987, the Subcommittees concluded their joint hearings with testimony on substitutes for ozone depleting chemicals.

On June 5, 1987, an oversight hearing on land disposal of hazardous wastes.

On August 6, 1987, began a series of hearings on municipal solid waste management.

On October 1, 1987, continued hearings on municipal solid waste management.

On October 27, 1987, together with the Subcommittee on Environmental Protection, held a joint hearing on the Ozone Hole over Antarctica.

On November 4, 1987 a joint hearing with the Subcommittee on Environmental Protection on the transportation of municipal nonhazardous commercial waste.

On November 5, 1987, on the Federal regulation of genetically altered microorganisms.

On November 24, 1987, began hearings on compliance with the National Environmental Policy Act of 1969 and authorization of appropriations for the Office of Environmental Quality.

On December 3, 1987, concluded its hearings on municipal solid waste management.

On January 14, 1988, concluded its hearings on compliance with the National Environmental Policy Act with a field hearing in Sparks, Nevada.

On February 23, 1988, began joint hearings with the Subcommittee on Water Resources, Transportation, and Infrastructure on S. 20, S. 1105, and H.R. 791, bills to provide for the protection of ground water.

On March 15, 1988, a joint hearing with the Subcommittee on Superfund and Environmental Oversight to investigate the Environmental Protection Agency's efforts to implement the Asbestos Hazard Emergency Response Act.

On March 24, 1988, continued hearings with the Subcommittee on Water Resources, Transportation, and Infrastructure on ground water protection.

On March 30, 1988, on stratospheric ozone depletion.

On April 14, 1988, on sham recycling.

On May 17, 1988, concluded its joint hearings with the Subcommittee on Water Resources, Transportation, and Infrastructure on ground water protection.

On June 16, 1988, considered the application of the National Environmental Policy Act to U.S. participation in actions of international financial institutions.

On August 11, 1988, on S. 2693, a bill ransferring the regulation of PCBs from the Toxic Substances Control Act to the Resource Recovery and Conservation Act.

On September 14, 1988, began joint hearings with the Subcommittee on Environmental Protection on S. 2666, the Global Environmental Protection Act of 1988.

On September 16, 1988, concluded its joint hearings on S. 2666.

On September 22, 1988, began hearings on S. 2773, the Waste Minimization and Control Act, a bill to amend the Solid Waste Disposal Act.

On September 26, 1988, concluded hearings on S. 2773.

On September 27, 1988, on proposals to address asbestos issues in public buildings.

BUSINESS MEETINGS

The Subcommittee on Hazardous Wastes and Toxic Substances held three mark-up sessions during the 100th Congress.

On March 15, 1988 to mark-up and report S. 1792, authorizing funds for fiscal years 1988 and 1989 for the Office of Environmental Quality.

On June 9, 1988, to consider and report S. 2024, legislation amending the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools.

On September 13, 1988, to consider and report S. 2693, legislation to amend the provisions of the Toxic Substances Control Act relating to PCBs and transferring the provision to the Resource Conservation and Recovery Act.

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